

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

Vs.

No. 2:13-cv-02289 SHL - dkv
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI; and
MARK P. CLEMONS,

Defendants.

VERDICT FORM

We, the jury, unanimously answer the questions submitted by the Court as follows:

1. Do you find by a preponderance of the evidence that the Defendant, Babu Rao Paidipalli, M.D. violated the recognized standard of acceptable professional practice for his profession and specialty of pediatric anesthesiology in this community, or a similar community, in the care he provided to Brett Lovelace on March 12, 2012?

Yes _____

No _____

If you answered "NO" to question #1, then Dr. Paidipalli cannot be liable to Plaintiffs and you should skip question #2 and proceed to question #3.

2. If you answered "Yes" to question #1, above, then answer the following question:

Do you find by a preponderance of the evidence that Dr. Paidipalli's professional negligence on March 12, 2012 was the legal cause of an injury to Brett Lovelace that would not have occurred otherwise?

Yes _____

No _____

If your answer to question #2 is “NO,” then Dr. Paidipalli cannot be liable to plaintiffs. If your answer to question #2 is “YES”, then Dr. Paidipalli may be held liable to plaintiffs.

Proceed to question #3.

3. Do you find that any agent or employee of Pediatric Anesthesiologists, PA, (other than Dr. Paidipalli) violated the recognized standard of acceptable professional practice for the profession and specialty of pediatric anesthesiology in this community, or a similar community, in the care he provided to Brett Lovelace on March 12, 2012?

Yes _____

No _____

If you answered “NO” to question #3, then Pediatric Anesthesiologists, PA cannot be liable to Plaintiffs and you should skip question #4 and proceed to question #5.

4. If you answered “Yes” to question #3, above, then answer the following question:

Do you find by a preponderance of the evidence that the violation of the recognized standard of acceptable professional practice by any agent or employee of Pediatric Anesthesiologists, PA, (other than Dr. Paidipalli) on March 12, 2012 was the legal cause of an injury to Brett Lovelace that would not have occurred otherwise?

Yes _____

No _____

If your answer to question #4 is “NO,” then Pediatric Anesthesiologist, PA cannot be liable to plaintiffs. If your answer to question #4 is “YES” then Pediatric Anesthesiologists, PA. may be held liable to plaintiffs.

Proceed to question #5.

5. Do you find by a preponderance of the evidence that the Defendant Mark Clemons, M.D. violated the recognized standard of acceptable professional practice for his profession and specialty of otolaryngology in this community, or a similar community, in the care he provided to Brett Lovelace on March 12, 2012?

Yes _____

No _____

If you answered “NO” to question #5, then Dr. Clemons cannot be liable to Plaintiff, and you should not answer question #6.

6. If you answered “Yes” to question #5, above, then answer the following question:

Do you find by a preponderance of the evidence that Dr. Clemons’ professional negligence on March 12, 2012 was the legal cause of an injury to Brett Lovelace that would not have occurred otherwise?

Yes _____

No _____

If your answer to question #6 is “NO,” then Dr. Clemons cannot be liable to plaintiffs. If your answer to question #6 is “YES”, then Dr. Clemons may be held liable to plaintiffs.

NOTE: If, at this point, you have determined that neither Dr. Paidipalli, nor Pediatric Anesthesiologists, nor Dr. Clemons may be held liable to plaintiffs, then you are to stop here, sign the verdict form, and return to Court. If, however, you have determined that one or more defendants may be liable to plaintiffs, then proceed to Question #7.

7. Do you find by a preponderance of the evidence that the Kelly Kish, violated the recognized standard of acceptable professional nursing practice in this community, or a similar community, in the care she provided to Brett Lovelace on March 12, 2012?

Yes _____

No _____

If you answered “YES” to question #7, then proceed to question #8.

8. If you answered “Yes” to question #7, above, then answer the following question:

Do you find by a preponderance of the evidence that Kelly Kish’s professional negligence on March 12, 2012 was the legal cause of an injury to Brett Lovelace that would not have occurred otherwise?

Yes _____

No _____

If your answer to question # 8 is “YES”, then proceed to question #9.

9. Considering the fault at One Hundred Percent (100%), what percentage of fault do you attribute to each?

NOTE: If you found above that Dr. Paidipalli, Pediatric Anesthesiologists, PA, Dr. Clemons or Kelly Kish were not liable for Brett Lovelace's injuries, then you may not assign a percentage of fault to that individual or group and must place a "O" on that line.

Babu Rao Paidipalli, M.D.	(0-100%) _____%
Pediatric Anesthesiologists, PA	(0-100%) _____%
Mark Clemons, M.D.	(0-100%) _____%
Kelly Kish	(0-100%) _____%

10. What amount of damages, if any, do you find were sustained by Brett Lovelace and the parents of Brett Lovelace as a result of his death?

NON-ECONOMIC DAMAGES

Mental and Physical Suffering endured by
Brett Lovelace \$ _____

The loss of consortium of Helen Lovelace
and Daniel Lovelace \$ _____

ECONOMIC DAMAGES

Lost Earning Capacity of Brett Lovelace \$ _____

Funeral Expenses \$ _____

Medical Expenses \$ _____

TOTAL \$ _____

Jury Foreman

Date: _____